



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2526

Introduced 2/15/2008, by Sen. Kwame Raoul

SYNOPSIS AS INTRODUCED:

40 ILCS 5/8-163

from Ch. 108 1/2, par. 8-163

30 ILCS 805/8.32 new

Amends the Chicago Municipal Article of the Illinois Pension Code. Provides that, before any action is taken by the Board on an application for a duty disability benefit or a widow's compensation or supplemental benefit, the employee or widow shall file a claim with the employer to establish that the disability or death occurred while the employee was acting within the scope of and in the course of his or her duties. Provides an offset of disability benefits for any amounts provided to the employee or surviving spouse as temporary total disability payments, permanent disability payments, a lump sum settlement award, or other payment under the Workers' Compensation Act or the Workers' Occupational Diseases Act. Makes other changes concerning disability benefits. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB095 17542 AMC 43616 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by changing
5 Section 8-163 as follows:

6 (40 ILCS 5/8-163) (from Ch. 108 1/2, par. 8-163)

7 Sec. 8-163. When disability benefit not payable. (a) If an
8 employee receiving duty or ordinary disability benefit refuses
9 to submit to examination by a physician appointed by the board,
10 or fails or refuses to consent to and sign an authorization
11 allowing the board to receive copies of or examine the
12 employee's medical and hospital records, or fails or refuses to
13 provide complete information regarding any other employment
14 for compensation he has received since he has become disabled,
15 he shall have no further right to receive the benefit.

16 (b) Disability benefit shall not be paid for any time for
17 which the employee receives any part of his salary or is
18 employed by any public body supported in whole or in part by
19 taxation.

20 (c) Before any action is taken by the Board on an
21 application for a duty disability benefit or a widow's
22 compensation or supplemental benefit, the employee or widow
23 shall file a claim with the employer to establish that the

1 disability or death occurred while the employee was acting
2 within the scope of and in the course of his or her duties.

3 Any amounts provided to the employee or surviving spouse as
4 temporary total disability payments, permanent disability
5 payments, a lump sum settlement award, or other payment under
6 the Workers' Compensation Act or the Workers' Occupational
7 Diseases Act shall be applied as an offset to the disability
8 benefit paid by the Fund, whether duty or ordinary, or any
9 widow compensation or supplemental benefit payable under this
10 Article until a period of time has elapsed when the benefit
11 payable equals the amount of such compensation, payment, or
12 award. The duty disability benefit shall be offset at the rate
13 of the amount of temporary total disability payments or
14 permanent disability payments made under the Workers'
15 Compensation Act or the Workers' Occupational Diseases Act.

16 If such amounts are not readily determinable or if an
17 employee has not received temporary total disability payments
18 or permanent weekly or monthly payments for the entire period
19 of disability up to the time of the compensation, payment, or
20 award under the Workers' Compensation Act or the Workers'
21 Occupational Diseases Act, the disability benefit paid by the
22 Fund shall be offset by 66 2/3% of the employee's salary on the
23 date of disablement. The offset shall not be greater than the
24 amount of disability benefits due from the Fund. The offset
25 shall be applied until a period of time has elapsed when the
26 benefit payable equals the amount of such compensation,

1 payment, or award. This offset shall not apply to the initial
2 days of disability when workers' compensation would not
3 ordinarily be payable. If an employee who shall be disabled or
4 his widow receives any compensation or payment from the city
5 for specific loss, disability or death under the Workers'
6 Compensation Act, or Workers' Occupational Diseases Act, the
7 disability benefit or compensation or supplemental annuity
8 payable as a result of such specific loss, disability or death
9 shall be reduced by any amount so received if such amount is
10 less than the benefit or annuity or, subject to adjustment when
11 final determination of the amount received can be made, the
12 amount estimated to be received under the provisions of the
13 Workers' Compensation Act or Workers' Occupational Diseases
14 Act. If the amount received as compensation payment or award
15 under the aforesaid Acts exceeds the disability benefit or
16 compensation or supplemental annuity payable as a result of
17 such specific loss, disability or death, no payment of
18 disability benefit or compensation or supplemental annuity
19 shall be made until a period of time has elapsed when the
20 benefit or compensation or supplemental annuity payable at the
21 rate herein stated equals the amount of such compensation,
22 payment or award. In calculating any such period of time,
23 interest upon the amounts involved shall not be considered.

24 ~~(d) An employee who enters service after December 31, 1987,~~
25 ~~or an employee who makes application for a disability benefit~~
26 ~~or applies for a disability benefit for a recurrence of a~~

1 ~~previous disability, and who, while in receipt of an ordinary~~
2 ~~or duty disability benefit, assumes any employment for~~
3 ~~compensation, shall not be entitled to receive any amount of~~
4 ~~such disability benefit which, when added to his compensation~~
5 ~~for such employment during disability, plus any amount payable~~
6 ~~under the provisions of the Workers' Compensation Act or~~
7 ~~Workers' Occupational Diseases Act, would exceed the rate of~~
8 ~~salary on which his disability benefit is based.~~

9 (Source: P.A. 85-964.)

10 Section 90. The State Mandates Act is amended by adding
11 Section 8.32 as follows:

12 (30 ILCS 805/8.32 new)

13 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8
14 of this Act, no reimbursement by the State is required for the
15 implementation of any mandate created by this amendatory Act of
16 the 95th General Assembly.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.